

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-12 are currently pending, Claims 1 and 7-12 having been amended. The changes and additions to the claims do not add new matter and are supported by the originally filed specification, for example, on page 24, line 26 to page 25, line 6; and page 29, lines 7-11.

In the outstanding Office Action, Claims 1 and 6-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hayakawa et al. (U.S. Pub. No. 2003/0154187, hereafter “Hayakawa”) in view of Hu et al. (U.S. Pub. No. 2002/0143727, hereafter “Hu”) and Lennon et al. (U.S. Patent No. 2003/0018607, hereafter “Lennon”); Claims 2 and 3 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hayakawa in view of Hu, Lennon, and Anderson (U.S. Patent No. 6,298,401); Claims 4 and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hayakawa in view of Hu, Lennon, and Gautam et al. (U.S. Patent No. 5,956,704, hereafter “Gautam”).

Applicants thank the examiner for the courtesy of a telephone interview with Applicants’ representative, Mr. Brad Lytle, on April 20, 2010. **During the telephone interview, the examiner indicated that the Office Action of April 19, 2010 was inadvertently labeled as a final Office Action and it should have been non-final. The examiner advised the Applicants to respond to the Office Action of April 19, 2010 as if it were a non-final Office Action.** (Please also see the official Interview Summary mailed on April 26, 2010).

With respect to the rejection of Claim 1 under 35 U.S.C. §103(a), Applicants respectfully traverse this ground of rejection and further submit that the present clarifying

amendment to Claim 1 overcomes this ground of rejection. Amended Claim 1 recites, *inter alia*,

requesting that an update-information providing apparatus provide update-information about a latest version of a program used for the content data on the communication terminal and update information about a database schema which includes instructions on how to modify a database schema already used by the communication terminal to a database schema corresponding to the latest version, the database schema indicating what types of information related to the content data can be stored in the database for each of the plurality of content data and indicating a configuration for storing the types of information related to the content data in the database for each of the plurality of content data in the format of a table;

receiving the update-information about the program and the update-information about the database schema, both transmitted from the update-information providing apparatus in response to the request;

updating the program in accordance with the update-information about the program;

comparing the database schema used by the updated program with the database schema already used by the communication terminal, in accordance with the update-information about the database schema, in terms of version; and

updating the database schema used by the communication terminal, in accordance with the update-information about the database schema, when it is determined in the comparing that the database schema needs to be updated, wherein updating the database schema includes at least modifying a number of columns in the table format of the database schema while the plurality of content data remains stored in the database.

Applicants respectfully submit that the applied art fails to disclose or suggest all of the features of amended Claim 1.

As previously presented, Hayakawa is directed to a method of synchronizing application data stored in databases of a plurality of information processing devices. Fig. 1 of

Hayakawa shows a system which includes a personal computer (PC) 300 and a handheld information terminal 200. Terminal 200 has a database which stores application data which replicates data stored in a database on the PC 300 (see para. [0064]). In a database 300a on the PC 300, each data information item has an item ID and edit time information. Hayakawa also describes that there is a set of data (“field”) provided for each data information item (such as “start time,” “end time,” “place,” for a scheduled event) (see para. [0077]). When data communication is initiated between the terminal 200 and the PC 300, the PC converts the item IDs for all the stored items into ID numbers (see para. [0079]). The terminal 200 stores the ID numbers along with a synchronization profile SP which contains item IDs and ID numbers updated during a last previous data update operation between the PC 300 and the terminal 200 (see para. [0081]). Based on a comparison of the synchronization profile SP and the PC database 300a, it is possible to determine which items have been changed or deleted by comparing IDs and communication time information (see para. [0083] and [0131]).

The Office Action again cites to paragraph [0010] of Hayakawa and states that it describes “information about a database” which is interpreted as corresponding to a “database schema.”

Applicants note that Hayakawa describes a database schema being used, where different types of information are provided for a scheduled event, such as “start time,” “end time,” and “place.” However, Applicants again emphasize that Hayakawa does not describe that this database schema itself is being updated when performing a synchronization between the PC 300 and the terminal 200. In other words, Hayakawa describes *updating the actual content data* of a database on a terminal 200 to match the content data of the database on the PC 300. However, Hayakawa does not disclose or suggest requesting “update information about a database schema which includes instructions on how to modify a database schema

already used by the communication terminal to a database schema corresponding to the latest version, *the database schema indicating what types of information related to the content data can be stored in the database for each of the plurality of content data and indicating a configuration for storing the types of information related to the content data in the database for each of the plurality of content data in the format of a table,*" as defined by amended Claim 1.

Furthermore, amended Claim 1 clarifies that "*wherein the updating the database schema includes at least modifying a number of columns in the table format of the database schema while the plurality of content data remains stored in a consistent state in the database.*"

Therefore, Applicants submit that the method of Hayakawa is completely different than that of Claim 1 since Hayakawa is directed to updating the actual content of the database, while Claim 1 defines changing the database schema without altering the content of the database.

Applicants note that the Office Action relies on Hu and Lennon to remedy the deficiencies of Hayakawa with regard to Claim 1.

Hu is directed to converting the Digital Imaging and Communications in Medicine Structured Reporting (DICOM SR) standard to a set of Extensible Markup Language (XML) Document Type Definitions (DTDs) and XML Schemas (see para. [0004] and [0010] of Hu). Fig. 1 of Hu shows a conversion system 100 in which a DICOM specification 110 is transformed into a corresponding set of XML DTDs and Schemas 170. Hu describes that each table in the specification 110 is encoded as a corresponding XML document 140 (see para. [0033]), and each XML document 140 may be converted into an XML Schema 170 see para. [0047]). The XML Schemas support a variety of data types (see para. [0047]).

Thus, Hu describes converting a DICOM SR standard into an XML schema. However, Hu never explicitly describes requesting update information which include instructions on how to update a database schema already being used by a communication terminal to a database schema corresponding to a latest program version such that updating the database schema includes at least modifying a number of columns in the table format of the database schema while the plurality of content data remains stored in a consistent state in the database.

Lennon is directed to a method of enabling browse and search access to electronically-accessible multimedia databases. Applicants note that paragraph [0212] of Lennon, which was cited to in the Office Action, describes a method in which a content provider/distributor downloads a sample metadata server from a primary media browser service provider so that it may modify the sample metadata server to one that incorporates a specific translator for interfacing the XML Schema format to the database format used by the corresponding database manager to access the legacy database of the content provider. Therefore, this portion of Lennon has nothing to do with updating a database schema as defined in Claim 1, since it describes using a translator between schemas of two systems. Furthermore, it clearly does not disclose or suggest “***updating the database schema includes at least modifying a number of columns in the table format of the database schema while the plurality of content data remains stored in a consistent state in the database,***” as required by amended Claim 1.

Thus, Applicants submit that Hu and Lennon fail to remedy at least the above-mentioned deficiencies of Hayakawa with regard to amended Claim 1.

Therefore, Applicants submit that amended Claim 1 (and all associated dependent claims) patentably distinguishes over Hayakawa and Hu, either alone or in proper combination.

Anderson and Gautam have been considered but fail to remedy the deficiencies of Hayakawa and Hu with regard to amended Claim 1. Thus, Applicants respectfully submit that amended Claim 1 (and all associated dependent claims) patentably distinguishes over Hayakawa, Hu, Lennon, Anderson, and Gautam, either alone or in proper combination.

Amended independent Claims 7-12 recite features similar to those of amended Claim 1 discussed above. Thus, Applicants respectfully submit that Claims 7-12 patentably distinguish over Hayakawa, Hu, Lennon, Anderson, and Gautam, either alone or in proper combination.

Consequently, in light of the above discussion and in view of the present amendment, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested. Furthermore, the examiner is kindly invited to contact the Applicants' undersigned representative at the phone number below to resolve any outstanding issues.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220  
(OSMMN 08/07)

Sameer Gokhale  
Registration No. 62,618